

**REPORT - PLANNING COMMISSION MEETING**  
**May 27, 2004**

**Project Name and Number:** Palo Alto Medical Foundation Building #2 Grading Permit. (PLN2004-00249)

**Applicant:** Palo Alto Medical Foundation

**Proposal:** To consider a Preliminary Grading Plan for the development of a three-story, 73,600 square foot medical office building, two levels of underground parking, associated surface parking and landscaping.

**Recommended Action:** Approve based on findings and subject to conditions

**Location:** At the corner of Stevenson Boulevard and Paseo Padre Parkway near 3200 Kearney Street in the Central Planning Area.

**Assessor Parcel Number(s):** 525-1647-018 -00

**Area:** The lot is 7.41 acres in area. The building size is proposed to be 73,600 square feet. A 58,400 square foot medical office building currently exists on site.

**Owner:** Palo Alto Medical Foundation

**Agent of Applicant:** David G. Jury

**Consultant(s):** Henry C. Mahlstedt, AIA, Hawley, Peterson & Snyder Architects

**Environmental Review:** A Mitigated Negative Declaration has been prepared for the Phase II building. This is the grading for that project and has been evaluated in that document.

**Existing General Plan:** C-B-D, Central Business District

**Existing Zoning:** P-80-13

**Existing Land Use:** The site is surrounded by office uses and professional services. There is an active medical building onsite. This proposal is a grading plan for an additional medical building.

**Public Hearing Notice:** A total of 82 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Kearney Street, Liberty Street, Paseo Padre Parkway and Stevenson Boulevard. The notices to owners and occupants were mailed on May 14, 2004. A Public Hearing Notice was delivered to The Argus on May 10, 2004, to be published by May 13, 2004.

**Executive Summary:** The applicant has obtained a recommendation from the Planning Commission for the approval of a Planned District Major Amendment for site plan and architectural approval of the second phase of a three-phase medical office project. The second phase includes a 73,600 square foot, three-story medical facility, a two level underground parking structure, surface parking, landscaping and patio areas, all of which is pending City Council action. The applicant has indicated an interest in receiving a grading permit, in advance of the building permit, in order to begin excavation and export of soil within the proposed garage area. The total estimated grading will exceed 1,000 cubic yards, therefore, prior to issuance of a grading permit, a Preliminary Grading Plan application must be made for Planning Commission review and approval. The Preliminary Grading Plan review is required by section 8-4108(a) of Chapter 4 of the Fremont Municipal Code (FMC).

**Background and Previous Actions:** On September 11, 1980, the City Council approved a General Plan Amendment (GPA-79-12) and a Planned District (P-80-13) for the development of a commercial business park on a 20.6 acre parcel located at the intersection of Paseo Padre Parkway and Stevenson Boulevard in the Central Business District. The plan included the construction of four office buildings, plus four additional building sites. The central focal point for the complex was to be a fourteen-story high-rise building containing 257,656 square feet of office space. Adjoining the office tower, a four-story building and a two-story building were proposed containing 36,808 square feet and 73,616 square feet of floor area. In addition, the proposal included a single-story building located on the corner of Liberty Street and Kearney Street. The office buildings were proposed to be designed with a pedestrian plaza to create a corporate office complex or campus.

In September 1982, the City Council approved an amendment to the Planned District for modifications to the site plan. The amended site plan contained a twelve-story structure with two four-story structures. The buildings were proposed to be connected by a pedestrian plaza and landscaped areas. One of the four-story buildings has been built on the site.

On June 24, 1997, the City Council approved an amendment to the Planned District, which allowed for modifications to the site plan. The amended site plan contained a two-story, 58,400 square foot medical office building. Prior to the City Council approval the applicant, Palo Alto Medical Foundation, had expressed an interest in building a second phase to this development. The proposed second phase would have been a two-story 41,000 square foot medical office building. During the discussion with the Planning Commission, concerns arose about the underutilization of this Central Business District site. Planning Commissioners of the time asked the applicant to reconsider increasing the size of the second phase if it was to be built. This was to be addressed at such time the second phase of this project was submitted for site plan and architectural review.

On April 22, 2004, the Planning Commission recommended approval of the proposed Planned District Major Amendment for site plan and architectural approval of the second phase of the project. The second phase includes a 73,600 square foot, three-story medical facility, a two level underground parking structure, surface parking, landscaping and patio areas. This proposed Planned District Major Amendment will be considered by the City Council at its May 25, 2004, meeting. The result of that public hearing will be reported to the Planning Commission on May 27, 2004.

**Project Description:** The project consists of a Preliminary Grading Plan to excavate for the two levels of underground parking. This specific action is to approve the Preliminary Grading Plan to allow the applicant to begin digging the subterranean parking garage. The applicant has expressed an interest in being approved in order to obtain a grading permit to perform this action prior to the issuance of the building permit for the second-phase medical office building.

## **PROJECT ANALYSIS:**

**General Plan Conformance:** C-B-D Central Business District. The proposed project is consistent with the existing General Plan land use designation for the project site because conditions of approval would require conformity to the following General Plan Goals, Objectives and Policies applicable to the proposed project:

**Natural Resources (NR) Objective 6.1:** Development projects must be designed to respond to soil conditions.

**Policy NR 6.3.2:** Appropriate control measures shall be required to limit erosion during and immediately subsequent to new construction.

**Zoning Regulations:** According to the original Planned District approval, all land uses allowed in the C-O (Administrative Office) Zoning District would be appropriate for this site. The Planned District also allows for some very limited commercial retail. Buildings used for health services are identified as a permitted use. The Planning Commission has previously reviewed and recommended approval of the land uses and building layout proposed for the site. Development standards for the P district were found to have been met by the Commission.

## ENGINEERING ANALYSIS:

**Grading:** The project site is partially developed with an existing medical office building, associated parking lot, and some landscaped gardens. The remainder of the site is a vacant field. The site is predominantly flat, with finished grade elevations that vary between 58 feet and 63 feet. The project proposes the construction of a new medical office building, including two levels of underground parking, and a surface parking lot.

Grading for this project will consist of excavation for the subterranean garage. All other grading including, but not limited to, excavation for storm drain facilities and removal of some of the landscaped mounds east of the existing office building will be reviewed and approved during the Development Organization plan review process. The applicant has indicated an interest in receiving a grading permit, in advance of the building permit, in order to begin excavation and export of soil within the garage area. The total estimated grading will exceed 1,000 cubic yards, therefore, a Preliminary Grading Plan application must be reviewed by the Planning Commission. The Preliminary Grading Plan for the proposed medical office building addresses and satisfies the purposes of the Grading, Erosion and Sediment Control chapter of the FMC as follows:

Sec. 8-4100. Purpose and intent of chapter.

- (b) Ensuring that soil will not be stripped or removed from lands in the more scenic parts of the city, leaving the same barren, unsightly, unproductive, and subject to erosion and the hazards of subsidence and faulty drainage;
- (c) Protecting water quality by avoiding pollution of watercourses with nutrients, sediments or other earthen materials generated on or caused by surface runoff on or across private property.
- (d) Encouraging the planning, design and development of building sites in such fashion as to provide the maximum in safety and human enjoyment, while adapting development to and taking advantage of the best use of the natural terrain.

The preliminary grading plan includes the excavation for the proposed two-level underground parking garage only. The on-site mounding will be removed as a part of the grading and building improvements. The grading permit, when issued, will only permit excavation of the underground garage, utility work and appropriate erosion and sediment control measures. Additional rough grading of the site, including the grading of the parking and driveway areas will be permitted during the Development Organization review process. Site improvements, including but not limited to, the medical building, pavement, sidewalks, and landscaping, will be also be permitted through the Development Organization.

The project civil engineer has estimated grading quantities of approximately 43,500 cubic yards of cut with 50 cubic yards of fill. The amount of export off of the property is estimated to be 43,450 cubic yards. Precise grading quantities will be determined prior to issuance of the grading permit.

**Urban Runoff Clean Water Program:** The Federal Clean Water Act of 1972 and Water Quality Act (1987) require localities throughout the nation to obtain a National Pollutant Discharge Elimination System permit (NPDES) in order to discharge storm water into public waterways such as creeks, rivers, channels and bays. The applicant will comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board. Conditions of approval are included to reflect this requirement.

**ENVIRONMENTAL ANALYSIS:** An Initial Study and Draft Mitigated Negative Declaration, has been prepared for the Phase II medical building. The grading of the site for that project was evaluated as part of that review. The environmental analysis identified concerns regarding potential impacts to many elements including, but not limited to water quality and air quality. The Draft Mitigated Negative Declaration includes mitigation measures, which, if implemented, would reduce the identified impacts to non-significant levels. These mitigation measures have been included as conditions of approval for the overall project and have already been recommended for approval by the City Council. A more detailed description of the potential impacts is provided within the Initial Study for the medical office project, which is included as an enclosure.

**Response from Agencies and Organizations:**

No comments were made by any public agency or private businesses. Citizens and neighborhood groups did not comment about this project.

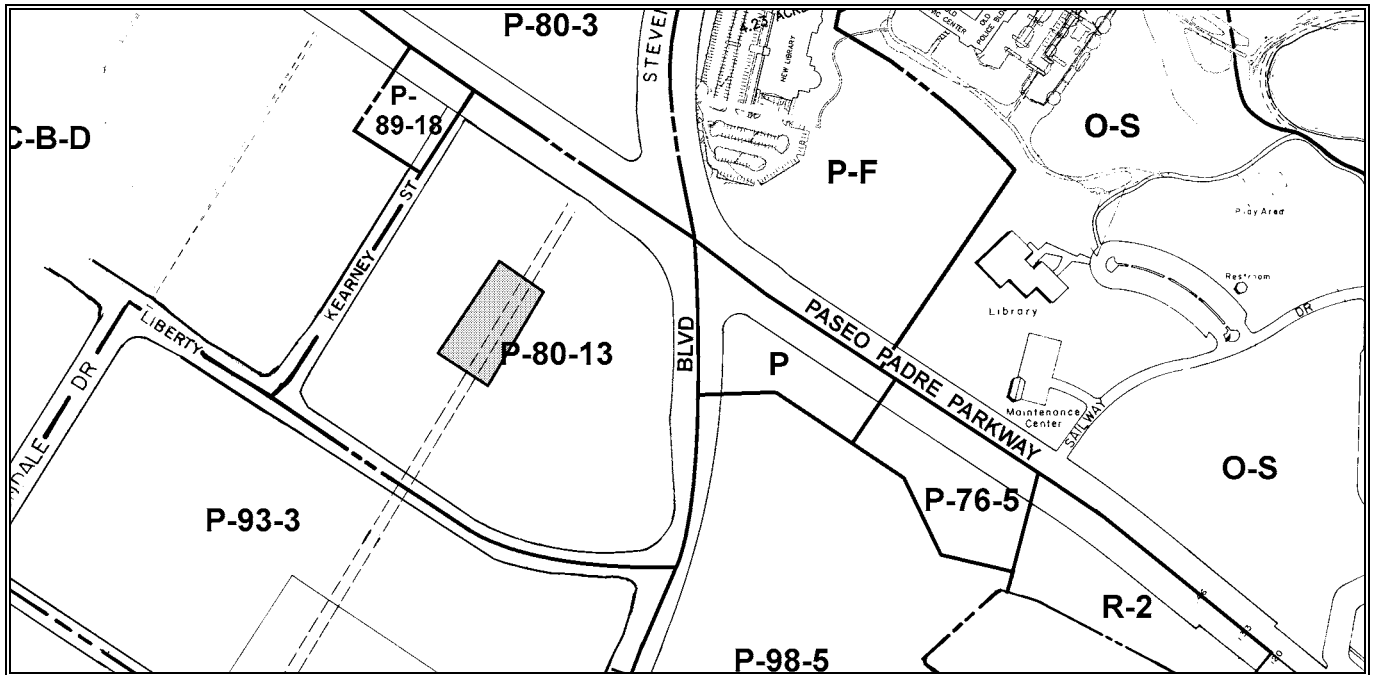
**ENCLOSURES:** Exhibit "A" (Site Plan, Grading Plan, Landscape Plan)  
Exhibit "B" (Findings and Conditions)  
Initial Study, Draft Mitigated Negative Declaration

**EXHIBITS:** Exhibit "A" (Site Plan, Elevations, Landscape Plan)  
Exhibit "B" (Findings and Conditions)

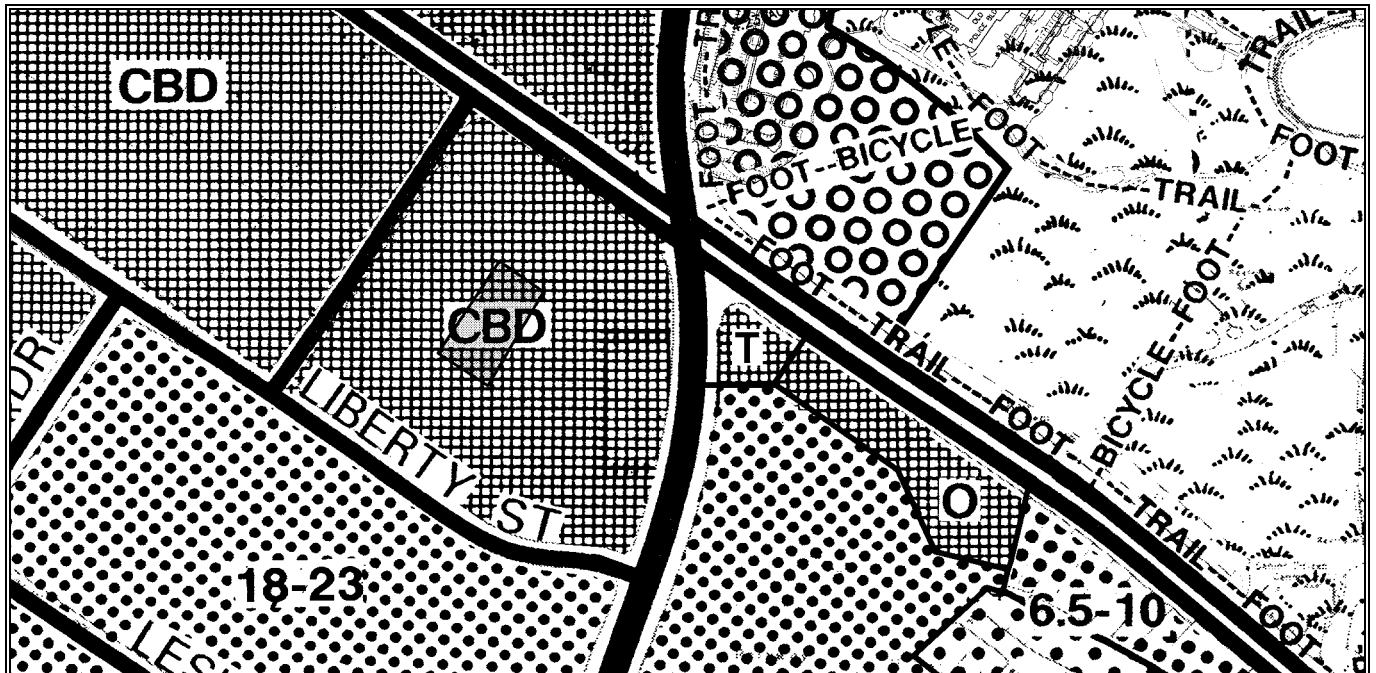
**Recommended Actions:**

1. Hold public hearing.
2. Find that the project has been evaluated the potential for to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources.
3. Find PLN2004-00249 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Natural Resources Chapter as enumerated within the staff report. The project conforms to the goals and objectives of that chapter.
4. Approve PLN2004-00249, as shown on Exhibit "A", subject to findings and conditions on Exhibit "B".

Existing Zoning  
Shaded Area represents the Project Site



Existing General Plan



**EXHIBIT "B"**  
**Findings and Conditions of Approval for PAMF Building 2 Preliminary Grading Plan**  
**NW corner of Stevenson Blvd. and Paseo Padre Parkway**  
**PLN2004-00249**

**FINDINGS:**

1. The proposed project described in the application will not have an appearance, due to the grading, excavation or fill, substantially and negatively different from then the existing natural appearance.

The perimeter and significant portions of the lot in its "natural appearance" will be enhanced through attractive streetscape and landscaping improvements at the building permit stage. The primary focus of this permit is to dig the hole for the underground parking garage and export the dirt. The mounding on the property will be graded and exported during the building permit phase to facilitate development in compliance with PLN2004-00139 recently recommended for approval by the Commission.

2. The proposed project described in the application will not result in geologic or topographic instability on or near the site.

The applicant will be required to commission a soils report that defines soil conditions on the property and lists mitigations to implement in order to safely and appropriately grade the site. The site is flat, though the grading permit is to dig the hole for the underground parking garage. The applicant will be required to mitigate any instability caused by the digging.

3. The proposed project described in the application will not endanger public sewers, storm drains, watercourses, streets, street improvements or other property; will not interfere with existing drainage courses; and will not result in debris being deposited on any public way.

The design of the improvements and the conditions included below address issues relative to the above.

4. Conformity, where applicable, to special concerns relating to the adopted seismic safety element and concerns shown on maps issued by the U.S. Geological Survey and the California Division of Mines and Geology; supplemental data and substantiation of conclusions may be required by the public works director upon city review of the reports.

Neither the City's Safety Element of the General Plan nor the USGS maps identify this area as a concern.

5. The proposed project described in the application will not unacceptably affect the health, safety or welfare of adjacent residents or landowners, nor the citizens of Fremont.

This finding was made for the Precise Plan precedent to this application, which is conditioned to assure the plan can be implemented safely.

**CONDITIONS OF APPROVAL:**

1. The project shall conform with Exhibit "A" (Preliminary Grading Plan) and all conditions of approval set forth herein.
2. The project shall conform to any appropriate conditions as approved under the original Planned Development Major Amendment, project number PLN2004-00139.
3. The permit is only being granted for the excavation of the underground garage and any associated utility work. Any other grading will take place at the time of building permit issuance.
4. Approval of this Preliminary Grading Plan does not extend to the final detailed design approval necessary to be accomplished in connection with the development plans.
5. Approval of this Preliminary Grading Plan shall terminate 24 months from the date of approval by the Planning Commission.

6. The developer shall obtain a final grading permit in accordance with the Grading, Erosion, and Sediment Control Ordinance (Chapter 4, Title VIII of the Municipal Code). Grading shall be subject to the approval of the City Engineer.
7. The Alameda County Water District (ACWD) has identified a monitoring well within the project site (Monitoring Well No. 4s/W-33A01). The grading plans shall include the location of the monitoring well and shall include a note explaining the ultimate disposition of the well. If the monitoring well is to be destroyed, the developer shall first obtain a permit from ACWD. If the monitoring well is to remain during grading and after completion, appropriate well protection measures shall be included with the grading plans.
8. If the excavation hits water, the applicant will be required to obtain the necessary permits from ACWD in order to pump the water out of the excavation area.
9. The applicant shall provide for a functional system to control erosion and siltation during and after grading subject to review and approval by the City Engineer or Alameda County Flood Control and Water Conservation District. An erosion and sediment control plan shall be included as part of the grading plans.
10. Site grading shall not obstruct natural flow from abutting properties or divert drainage from its natural watershed.
11. The developer shall comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.
12. A disposal site for the off-site haul dirt materials or source for the import fill shall be approved by the City prior to the approval of the grading permit. The off-site haul truck route for the excess dirt or import fill shall be subject to the approval of the City Engineer.
13. Prior to issuance of a building or grading permit for land disturbance greater than one acre, the developer is to provide evidence that a Notice of Intent has been filed and with the State of California Water Resources Control Board. Evidence shall include the WDID number assigned by the State.
14. The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on site that effectively prohibit the entry of pollutants into storm water runoff.
15. The developer is responsible for ensuring that all contractors are aware of all storm water quality measures contained in the Storm Water Pollution Prevention Plan (SWPPP) and that such measures are implemented. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.
16. The property owner is responsible for litter control and for sweeping of all paved surfaces. Sidewalks, parking lots, and other paved areas must be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged to the storm drain.
17. The developer and/or contractor shall notify Underground Service Alert (U.S.A.) at 1-800-227-2600 at least two working days before beginning any excavation for this project. A prominent note shall be included in the project plans requiring the notification of U.S.A.
18. Thirty days prior to commencement of any grading or construction, a site investigation, subject to the approval of the Community Development Director, shall be completed by a qualified wildlife biologist to determine if burrowing owls are present. If a determination has been made burrowing owls are indeed present, all work shall halt until the wildlife biologist has recommended appropriate actions to be taken to protect the owls. If relocation is found to be appropriate by the wildlife biologist, the owls shall be relocated according to the biologist's recommendations.
19. Construction activities shall be limited to the following hours of operation: 7 a.m. to 6 p.m. Monday through Friday, 9 a.m. to 6 p.m. Saturday and no construction on Sunday.